

IA 1508.01A US  
USSN: 09/295,826

PATENT  
Art Group: 3621

### **REMARKS**

Claims 1-20 are pending in the present application.

This Amendment is in response to the Office Action mailed February 7, 2003. In the Office Action, the Examiner objected to the drawings, rejected claims 1-20 under 35 U.S.C. § 103 and under the nonstatutory double patenting. Applicant has amended claims 1-20. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### **I. DRAWINGS**

In the Office Action, the drawings were objected to by the Draftsperson as noted in the form PTO 948. Applicant respectfully requests postponement in submitting the drawings until the pending claims have been allowed.

#### **II. REJECTIONS UNDER 35 U.S.C. § 103(a)**

In the Office Action, the Examiner rejected claims 1-6, 8, 10, 11-16, 18 and 20 under U.S.C. § 103(a) as being unpatentable over Gracenote.com ("Gracenote") in view of U.S. Patent No. 5,825,883 issued to Archibald et al. ("Archibald"), and claims 7, 9, 17, and 19 as being unpatentable over Gracenote in view of Archibald and further in view of U.S. Patent No. 6,081,785 issued to Oshima et al. ("Oshima"). Applicant respectfully traverses the rejections for the following reasons.

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Gracernote discloses a music software player that when a consumer listens to an audio CD in a CD-ROM drive, the software reaches out to a database to provide the consumer the name of the artist, album and song he/she is listening to (Gracernote, paragraph 7). Unlike the present invention, Gracernote does not disclose combining a logic with an identifier to trigger a transaction for a payment.

Archibald discloses a method for a collection agency to generate debiting and crediting information. The method determines whether a digital application use information message has been received from the user. The digital application use information message includes a user identification code, amount of use, and a digital application identification code (Archibald, FIG. 4, Col. 16 (lines 28-47)). The present invention, however, discloses combining a logic with an identifier to trigger a transaction for a payment.

Oshima discloses a method of recording and reproducing for recording limitation to one RAM disk with a BCA. The decoding data is a particular piece of software such as the scramble release key for the particular decoder system ID ... and a recording permission card (Oshima, FIG. 24). In contrast, the present invention discloses combining a logic with an identifier to trigger a transaction for a payment.

Gracernote, Archibald, and Oshima, taken alone or in any combination, do not disclose, suggest, or render obvious the combining of a logic and an identifier to trigger a transaction for a payment. This aspect of the invention is supported in

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the specification on page 32 (lines 27-31) and is recited in amended claims 1 and 11.

Therefore, Applicant believes that independent claims 1 and 11, and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

### III. DOUBLE PATENTING

In the Office Action, the Examiner rejected claims 1-20 under the judicially created doctrine of obviousness-type double patenting over claims 1-10 of U.S. patent 6,453,420 in view of Archibald. In view of the amended claims 1 and 11 in the present invention, Applicant believes that the rejection is moot. Therefore, Applicant respectfully requests that the rejection be withdrawn.

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**CONCLUSION**

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: May 6, 2003



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